

## REMARKS

The application has been reviewed in light of the Office Action mailed July 29, 2003. Claims 1-70 were pending in this application. Claims 1-70 were rejected. Applicants hereby cancel Claims 1-32, 34, 36, 39, 41, and 44-70; amend Claims 33, 35, 37-38, 40, and 42-43; and submit new Claims 71-95. The independent claims that now remain in the case are Claims 33, 81, 92, and 94.

### Claim Objections

The Office Action objected to Claims 44 and 45 due to informalities. This Response cancels Claims 44 and 45.

### Rejections under 35 U.S.C. §102

Claims 1-70 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,872,841 issued Neal J. King et al. ("King"). Applicants respectfully submit that King does not anticipate all of the features that were recited in Claims 1-70. However, in order to reduce the delay and expense associated with obtaining patent protection, this Response either amends or cancels each of the original claims, and adds new Claims 71-95. Applicants traverse the rejections under 35 U.S.C. § 102(b), to the extent that those rejections might be applied to the claims as amended.

King relates to an apparatus and method for scheduling a telephone call. In particular, King discloses a voice mail system that automatically accesses a calendar system when the called party does not answer a call or is already on the line. The calendar system allows the calling party to schedule a subsequent telephone call without any interaction from the called party.

By contrast, one aspect of the present invention pertains to a method or program product that allows the called party to interact in a process of call mediation. For instance, Claim 33 pertains to a method for facilitating mediated virtual communication, in which a mediation system receives a request for communication from a calling party and, in response, transmits "a list of follow-through operations" to the called party, "to be displayed on the communication device of the called party for selection by the called party." Claim 81 recites the same or similar functionality.

Similarly, Claim 94 pertains to a method for facilitating mediated virtual communication, in which a mediation system responds to input from a user by automatically calling a communication device of a second person on behalf of the user, and "automatically determining a present availability status of the second person by interacting with the second person on behalf of the user." Further, the mediation system automatically connects the communication device of the user and the communication device of the second person, to facilitate communication between the user and the second person, "after the mediation system interacts with the second person and determines that the second person is available." Claim 92 recites the same or similar functionality.

King does not disclose all of the features recited in any of the independent claims of the present application. In addition, the dependent claims recite additional features that are not disclosed by King. Applicants therefore request reconsideration of the application and favorable action in this case.

#### **Information Disclosure Statement**

Applicants wish to draw to the Examiner's attention that in the Office Action mailed July 29, 2003, Applicants did not receive confirmation of consideration of the references cited in the Information Disclosure Statement and PTO Form 1449 filed June 11, 2003. Applicants hereby request that the Examiner confirm consideration of the timely filed Information Disclosure Statement. For the convenience of the Examiner, a copy of the Information Disclosure Statement and PTO Form 1449, as timely filed in accordance with 37 C.F.R. §§ 1.97 and 1.98 on June 11, 2003, and return postcard date stamped by the mail room of the U.S. Patent and Trademark Office, is enclosed herewith.

Applicants also enclose a new Information Disclosure Statement and PTO Form 1449 for the Examiner's review and consideration. A check in the amount of \$180.00 is also enclosed for the filing fee.

#### **CONCLUSION**

The application has been reviewed in light of the Office Action mailed July 29, 2003. Applicants appreciate the Examiner's attention to the application. Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons and

for other reasons clearly apparent, Applicants respectfully request reconsideration and full allowance of the claims now pending.

Applicants believe no fee is due for this response. However, if any additional fees are due, the Commissioner is hereby authorized to charge any necessary fees or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

Respectfully submitted,  
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Date: September 26, 2003

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